

REMARKS

The Office action mailed July 16, 2008, has been carefully reviewed and these remarks are responsive thereto. Claims 1-20, 23-25, 30-33 and 36-41 are pending and stand rejected. Claims 21, 22 and 26-29 were previously withdrawn and claims 34 and 35 were previously canceled. Applicants herein amend claims 1-18, 23-25, 30-33, 36 and 39-41. Applicants herein cancel claims 20-22, 26-29, 37 and 38 and add claims 42-47. No new matter is introduced.

The Office action rejected claim 1 under 35 U.S.C. § 112, first paragraph. The Office action asserted that the recitation in claim 1 of "... wherein the action request includes the playback option[,] and sending the playback option received from the guest terminal" is not supported by the specification. The Office action similarly rejected claims 2-20, 23-25, 30-33, 36, 38, 39 and 41 based on the same language of claim 1. Applicants respectfully refer to paragraph [31] of the specification as filed, which describes a playback action requested by either a host or guest user:

During the playback session (as initiated by start playback requests 221 and 223), any of the active users (host user and guest users) can request a playback action. [emphasis added] In order to do so, an active user sends an action request (e.g. action request 225) to central server 107. The action request message requests one of a number of action types during the playback session, including pause playback, rewind, fast-forward, user-specified internal effect algorithm to modify audio or video (e.g. altering the audio and video in order to accentuate a favorite actress), or textual comment from a user.

Specification paragraph [31] refers to a messaging scenario shown in Applicants' Figure 2. As stated in specification paragraph [24], "FIG. 2 shows the message flow between terminal 101 (host user), central server 107, terminal 103 (guest user A) and terminal 105 (guest user B)." Moreover, paragraph [32] further describes message server 109 (which is included in server 107) distributing an action request to terminal 101 (host user) when guest user B requests the given action.

Applicants thus submit that the above-cited language of claim 1 is supported by the application as filed and request withdrawal of the rejections under 35 U.S.C. § 112, first paragraph. Although the above-noted portion of claim 1 is amended herein to recite that the guest terminal is a wireless terminal, such amendment does not affect the above analysis.

Claims 1, 2, 4-6, 8-19, 23-25 and 30-33 stand rejected under 35 U.S.C. § 103 based on PCT Publication No. WO 99/46702 (Liou et al., hereinafter “Liou”) in view of U.S. Patent 6,976,094 (Dalrymple et al, hereinafter “Dalrymple”) and further in view of IETF RFC 2327 (Handley et al., hereinafter “Handley”). As amended, claim 1 recites “receiving a first media playback invite request initiated by a host wireless terminal, the first media playback invite request including information sufficient to identify at least one guest wireless terminal, an identification of a pre-existing playable media file, and a playback option enabling the guest wireless terminal to request different types of playback actions in connection with playback of the identified media file.” Such a message permits a user of a host terminal device to easily establish sessions with remotely located persons to enjoy music, video or other types of replayable media, and to do so in a wide range of environments and social settings. See Applicants’ specification at paragraphs [03] and [04].

None of Liou, Dalrymple or Handley teaches a single message from a wireless terminal that includes the components of the first media playback invite request of claim 1. Moreover, and even if a person of ordinary skill would have combined teachings from these references (which Applicants do not concede), the combination would similarly fail to teach such a message. For example, the Office action acknowledged (at page 7) that a Liou/Dalrymple combination does not disclose a media playback invite request that includes a playback option enabling the guest terminal to request different types of actions. The Office action then relies on Handley by asserting:

Handley explicitly discloses a session description protocol (SDP) including the process of sending the invitations to the users, wherein the invitations includes various fields comprising a playback option field for enabling the guest terminal to request different types of actions, i.e. enabling the receiver for interactive conferencing, i.e. for sending the actions (pg. 23: a=sendrecv field).

However, the “a=sendrecv” field described by Handley at page 23 is not a playback option enabling the guest wireless terminal to request different types of playback actions in connection with *playback* of a *pre-existing playable* media file. Instead, Handley indicates that “a=sendrecv” specifies that “tools” should be started in “send and receive mode.” The example

tool identified by Handley is “wb,” which appears to refer to a “whiteboard” application that might be used during a multimedia conference conducted over the Internet. To the extent anything is sent or received from a whiteboard application, Handley gives no indication that it would be a request related to playback of a pre-existing media file.

Independent claims 11, 14 and 23 have been amended to recite a media playback invite request similar to that recited in claim 1, and are thus allowable for the same reasons as claim 1. Each of claims 2, 4-6, 8-10, 12-19, 24, 25 and 30-33 depend from one of claims 11, 14 and 23 and is similarly allowable.

Claims 36 and 39 stand rejected under 35 U.S.C. § 103 based on Liou in view of Dalrymple and U.S. Patent 6,006,253 (Kumar et al., hereinafter “Kumar”). Claim 36 is amended to recite memory storing executable instructions that, when executed, cause an apparatus to receive a media playback invitation at the apparatus from a server via a wireless channel, wherein the media playback invitation includes an identification of a pre-existing playable media file and a playback option enabling the apparatus to request different types of playback actions in connection with playback of the identified media file. Because a Liou/Dalrymple/Kumar combination has the same deficiencies described above for a Liou/Dalrymple/Handley combination, claim 36 is also allowable. Claim 39 depends from claim 36 and is thus also allowable.

Claim 40 stands rejected under 35 U.S.C. § 103 based on Liou in view of Dalrymple, Handley and Kumar. Claim 40 depends from claim 1, and is thus allowable for the reasons set forth above.

Claim 7 stands rejected under 35 U.S.C. § 103 based on Liou in view of Dalrymple, Handley and U.S. Patent Publication No. 2002/0107040 (Crandall et al., hereinafter “Crandall”). Because claim 7 depends from claim 1 and Crandall does not cure the above-note deficiencies of Handley, claim 7 is also allowable.

Claims 3 and 41 stand rejected under 35 U.S.C. § 103 based on Liou in view of Dalrymple, Handley and U.S. Patent Publication No. 2002/0091848 (Agresta et al., hereinafter “Agresta”). Because claims 3 and 41 depend from claims 1 and 11, respectively, and because Agresta does not cure the above-note deficiencies of Handley, claims 3 and 7 are also allowable.

New claim 42 is directed to an apparatus comprising a memory storing instructions for performing operations similar those of claim 14, and is thus allowable for the same reasons as claim 14. New claims 43 and 44 depend from claim 42.

New claim 45 is directed to an apparatus comprising a memory storing instructions for performing operations similar those of claim 1, and is thus allowable for the same reasons as claim 1.

New claim 46 is directed to a method comprising steps similar to the operations recited in claim 36, is thus allowable for the same reasons as claim 36.

New claim 47 is directed to a computer readable medium comprising instructions for steps similar to the operations recited in claim 36, is thus allowable for the same reasons as claim 36.

All rejections having been fully addressed, Applicants respectfully submit that this application is in condition for immediate allowance and respectfully solicit prompt notification of the same.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Dated: November 12, 2008

By:

/H. Wayne Porter/

H. Wayne Porter
Reg. No. 42,084

1100 13th Street, N.W., Suite 1200
Washington, D.C. 20005-4051
Tel: (202) 824-3000
Fax: (202) 824-3001